REMARKS

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this response, Applicants amend Claims 1-3, 5, 9, 11, and 15. Claims 4 and 16-21 are canceled without prejudice and without disclaimer of the subject matter therein. New Claims 22-32 are added. Accordingly, Claims 1-3, 5-11, 15, and 22-32 are pending.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attachment is captioned "Version With Markings To Show Changes Made."

I. Specification

The Examiner objects to the disclosure because at page 9, line 16, "309" should read as "308". As indicated herein, Applicants amend the specification to correct the mistake. Accordingly, Applicants respectfully request approval of the specification as amended.

II. Claim Objections

The Examiner objects to Claim 16 because of an informality. Claim 16 is canceled without prejudice and without disclaimer of the subject matter therein.

III. Claims Rejected Under 35 U.S.C. §112, Second Paragraph

The Examiner rejects Claim 8 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner argues that the alternative expressions "an adjusted sample", "a control", "a counter", "a current mode", and "a current time" are uncertain and ambiguous per M.P.E.P. §2173.05(h). Applicants respectfully traverse this rejection.

M.P.E.P. §2173.05(h) states that "[a]lternative expressions are permitted if they present no uncertainty or ambiguity with respect to the question of scope or clarity

of the claims." Among other limitations, Claim 8 recites "...the set of private group parameters includes at least one of the following parameters: an adjusted sample, a control, a counter, a current mode, a current time, an ending time, an interval, ..and a status."

Applicants assert that the language of Claim 8 quoted above presents no uncertainty or ambiguity. The phrase "at least one of the following parameters" means one or more of the following parameters. For example, the phrase "X is at least one of the following: A and B" unambiguously means that X can be either A, B, or A and B. Therefore, the private group parameters of Claim 8 include one or more of: an adjusted sample, a control, a counter, a current mode, a current time, an ending time, an interval, etc.

Accordingly, Applicants respectfully request withdrawal of the rejection of Claim 8.

IV. Claims Rejected Under 35 U.S.C. § 102(e)

The Examiner rejects Claims 1-8, 11, 16, 17, 19, and 20 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,167,538 to Neufeld et al. ("Neufeld"). Claims 4, 16, 17, 19, and 20 are canceled without prejudice and without disclaimer of the subject matter therein. Applicants respectfully traverse this rejection.

To anticipate a claim, every element of the claim must be disclosed within a single reference. Among other limitations, independent Claim 1 (as amended) recites translating the message request into parameters based on a set of private group parameters that are accessible by the RTOS.

In making the rejection, the Examiner relies on Neufeld to show that a driver sends events to a monitoring program and, in return, receives commands from the monitoring program. (Neufeld, Abstract, lines 9-12; col. 2, lines 10-16.) However, Neufeld does not disclose translating commands into a set of private group parameters. In contrast, Neufeld discloses that the message interface 312 through which the performance monitor and a driver communicate simply forwards messages. (Neufeld, Fig. 3, col. 6, lines 51-66.) Thus, Neufeld does not teach or

suggest translating the message request into parameters based on a set of private group parameters that are accessible by the RTOS.

Accordingly, Applicants respectfully requests withdrawal of the rejection of independent Claims 1 and 22. Claims 2-3, 5-8, and 11 depend from Claim 1. As such, the rejected dependent claims are not anticipated for at least the same reasons as Claim 1.

V. Claims Rejected Under 35 U.S.C. §103(a)

The Examiner rejects Claims 9, 10, 15, 18, and 21 under 35 U.S.C. §103(a) as being obvious over Neufeld in view of U.S. Patent No. 6,052,694 to Bromberg ("Bromberg"). Claims 18 and 21 are canceled without prejudice and without disclaimer of the subject matter therein. Applicants respectfully traverse this rejection.

The Examiner's obligation in making a prima facie case of obviousness requires the Examiner to show that the prior art in combination teaches or suggests all elements of the claimed invention. Applicants respectfully submit that the Examiner has failed to set forth a prima facie case of obviousness.

Claims 9, 10, and 15 depend from independent Claim 1. Claim 1 recites translating the message request into parameters based on a set of private group parameters that are accessible by the RTOS. As argued above, Neufeld does not teach or suggest this limitation.

The Examiner relies on Bromberg to show generation of performance storage tables within a processor's memory. However, Bromberg does not disclose translating a command into a set of private group parameters. In contrast, Bromberg discloses a method for gathering database performance data by issuing structured query language commands to a database server. (Bromberg, col. 6, line 66 – col. 7, line 3.) A query script comprises one or more queries for retrieving data related to one or more selected database metrics. The query script executes the queries and re-directs the resulting performance data to a log file. (Bromberg, col. 6, line 63 - col. 7, line 3.) The queries (or requests) are not translated into parameters of

any kind before being executed. Thus, neither Bromberg nor Neufel teach or suggest translating the message request into parameters based on a set of private group parameters that are accessible by the RTOS.

Accordingly, Applicants respectfully request the withdraw of the rejection of Claims 9, 10, and 15.

VI. New Claims

Applicants have for reasons wholly unrelated to patentability added new Claims 22-32 to capture various embodiments of the invention. No new matter has been added as the subject matter of these claims is fully supported in the application as filed. Applicants assert that Claims 22-32 are neither obvious nor anticipated by the relied upon art of record for at least the reasons given in connection with Claim 1.

CONCLUSION

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: February 21, 2001

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CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231, on February 21, 2002.

Diane Martinez — 2/21/02 [Date]

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

Please replace the paragraph at page 9, line 10 with:

Client 300 may be a computer that may include data input devices such as keyboard 302 and mouse 304 and may include visual monitor 306. Preferably, host system 230 physically may be part of client 300, but may be remote from client 300. For example, client 300 may be in one location and host system 230 may be in another location, but connected via communication channels 308, where channels ~~309~~308 may include radio signals, cabling, or the Internet.

IN THE CLAIMS

Claims 4 and 16-21 are canceled.

Please amend the claims as follows:

1. (Twice Amended) A method comprising:

registering a performance monitoring driver as a private driver with a real time operating system (RTOS) of an input/output (I/O) processor, wherein the performance monitoring driver is coupled to a performance monitoring unit (PMU);

selecting events within the I/O processor to gather data on; ~~and~~

sending the selected events as a message request from a host processor to the RTOS of the I/O processor; and

translating the message request into parameters based on a set of private group parameters that are accessible by the RTOS.

2. (Twice Amended) The method of claim 1, further comprising:

~~translating the message request into parameters based on a set of private group parameters that are accessible by the RTOS;~~

sending the message request as a translated request to the PMU;

returning the pieces of data requested by the translated request to the performance monitoring driver; and

sending the pieces of data to a location specified in the message request.

3. (Twice Amended) The method of claim 1, further comprising:

initiating a performance monitor application that generates a selection screen ~~at~~ on a ~~visual monitor~~ display coupled to the I/O processor through ~~a~~ the host processor,

wherein selecting events within the I/O processor on which to gather data includes selecting the events ~~at~~ on the selection screen.

5. (Amended) The method of claim 1, wherein sending the selected events as a message request to the real time operating system includes sending the message request through an operating system specific module of ~~a~~ the host processor.

9. (Twice Amended) The method of claim 1, further comprising:

generating performance monitoring storage tables within memory of the I/O processor.

11. (Amended) The method of claim ~~1~~ 2, wherein sending the pieces of data to a location specified in the message request further includes sending the pieces of data at a time period specified in the message request.

15. (Twice Amended) The method of claim 11 further comprising:

generating a message ~~in the interpreting device~~ that causes a fan internal to the host system to turn on in response to the pieces of data returned from the performance monitoring unit.

Claims 22-32 have been added.

22. (New)A machine readable medium having instructions stored thereon that when executed by a processor cause a system to:

register a performance monitoring driver as a private driver with a real time operating system (RTOS) of an input/output (I/O) processor, wherein the performance monitoring driver is coupled to a performance monitoring unit (PMU);

select events within the I/O processor to gather data on;

send the selected events as a message request from a host processor to the RTOS of the I/O processor; and

translate the message request into parameters based on a set of private group parameters that are accessible by the RTOS.

23. (New)The machine readable medium of claim 22, further comprising instructions that when executed cause the system to:

send the message request as a translated request to the PMU;

return the pieces of data requested by the translated request to the performance monitoring driver; and

send the pieces of data to a location specified in the message request.

24. (New)The machine readable medium of claim 22, further comprising instructions that when executed cause the system to:

initiate a performance monitor application that generates a selection screen on a display coupled to the I/O processor through the host processor,

wherein selecting events within the I/O processor on which to gather data includes selecting the events on the selection screen.

25. (New)The machine readable medium of claim 22, wherein sending the selected events as a message request to the real time operating system includes

sending the message request through an operating system specific module of the host processor.

26. (New)The machine readable medium of claim 22, wherein sending the translated request to the performance monitoring unit includes sending the translated request through the performance monitoring driver.

27. (New)The machine readable medium of claim 22, wherein the set of private group parameters includes at least one of (i) control parameters for hardware-based performance monitoring resources, (ii) mode-specific control parameters for a performance monitoring resource, and (iii) data parameters for at least one mode in one counter.

28. (New)The machine readable medium of claim 27, wherein the set of private group parameters includes at least one of the following parameters: an adjusted sample, a control, a counter, a current mode, a current time, an ending time, an interval, a lock control, a maximum algorithm, a maximum mode, a minimum sample interval, a lock control, a maximum algorithm, a maximum mode, a minimum sample interval, a minimum sample unit, a mode control, a number counter, type of performance monitoring hardware available, a sample interval, a sigma time, and a status.

29. (New)The machine readable medium of claim 22, further comprising instructions that when executed cause the system to:

generate performance monitoring storage tables within memory of the I/O processor.

30. (New)The machine readable medium of claim 29, further comprising instructions that when executed cause the system to:

send the pieces of data to the performance monitoring storage tables.

31. (New) The machine readable medium of claim 23, wherein sending the pieces of data to a location specified in the message request further includes sending the pieces of data at a time period specified in the message request.

32. (New)The machine readable medium of claim 31, further comprising instructions that when executed cause the system to:

generate a message that causes a fan internal to the host system to turn on in response to the pieces of data returned from the performance monitoring unit.